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Ballona Creek TMDL
Deadline: 10/20/06 12pm

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October 20, 2006

Mr. Song Her, Clerk to the Board
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 5814

Subject: Comments on Total Maximum Daily Loads for Bacterial Indicator Densities in Ballona Creek, Ballona Estuary, and Sepulveda Channel

Dear Ms. Her:

We appreciate the opportunity to comment on the Basin Plan Amendment for the Total Maximum Daily Loads (TMDLs) for Bacterial Indicator Densities in Ballona Creek, Ballona Estuary, and Sepulveda Channel for the Los Angeles Region. The California Department of Transportation (Department) strongly supports the Regional Board's efforts to protect human health and achieve the best water quality possible.

The Department has reviewed the TMDL and Basin Plan Amendment and has some concerns in the following areas:

- Linking the Ballona Creek Bacteria TMDL schedule to the Santa Monica Bay Beaches Bacteria TMDL schedule is not appropriate. The Department does not believe that linking the Ballona Creek Bacteria TMDL schedule with the Santa Monica Bay Beaches Bacteria TMDL (SMBB TMDL) schedule is feasible. SMBB TMDL has an effective date of July 15, 2003. Linking the two TMDLs would reduce the Ballona Creek implementation activities by four years. Since Ballona Creek is a much larger watershed than the SMBB, it would not be feasible to have a shorter timeframe to comply with bacteria TMDL requirements, especially if a phased, iterative process will be used to implement distributed Best Management Practices (BMPs).

- Need for coordinated TMDL completion dates. The current scheduling of TMDLs makes it extremely difficult to implement an efficient process of feasibility assessment, design, and installation of appropriate BMPs for impaired waterways. This problem is particularly critical in the space-constrained areas adjacent to highways. As designs for a BMP are completed to reduce the concentration of one constituent, they must be reanalyzed or redesigned to address the requirements of another. In some cases, recently completed structural BMPs may be incompatible with controls required for upcoming TMDLs. In the Ballona Creek watershed, the Department began to install treatment units to comply with the assigned allocations for the Trash TMDL. These are full capture devices are the only reliable option for achieving 100% control of trash in runoff, the goal of the TMDL. The construction costs for individual installations average $211,000 per site. We estimated total construction costs necessary to comply with these TMDLs at our 2,197 outfalls to be approximately $465,000,000. Our concern is that the devices we are currently installing may not be compatible with the structural controls required for the bacteria TMDL (or the Metals TMDL). These TMDLs will likely result in large structural devices to achieve TMDL allocations. This piecemeal issuance of the TMDLs means that permittees such as the Department must implement controls before being aware of total pollutant control requirements of a particular waterway segment. Such an incompatibility can manifest in several ways:

    - Structural controls are often needed in constrained urban locations. Space may not be available to add structural controls to older ones built for earlier TMDLs.

    - Hydraulic constraints may make it difficult to devices required by subsequent TMDLs. For example, runoff may need to be pumped up hill to new treatment BMPs..

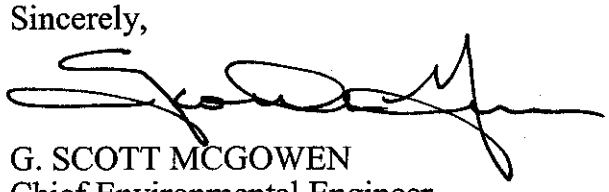
    - Some controls, such as those for bacteria, may require a consolidated approach. For example, since small-scale disinfection of storm water runoff has not been successfully demonstrated, the most probable effective control may be to consolidate flow for large-volume treatment. If flows are consolidated for treatment elsewhere, the earlier end-of-pipe controls may have to be abandoned.

For the Los Angeles basin, we are concerned that a portion of our ongoing investment in trash controls may be sunk if a different approach becomes necessary to address the whole range of pollutants requiring TMDLs. Significant amounts of public funds may be wasted. We propose that the State Board adopt a watershed planning approach and that, for a particular waterway, schedule all TMDLs to be completed at approximately the same time. In this way, stakeholders such as the Department can implement the most efficient combination of controls necessary to protect water quality.

- Consider actual use of the estuary and the allocation of exceedances during wet weather. During wet weather, surfers may use the beaches to take advantage of the waves—a use that would not occur in the estuary, which is primarily used by boaters during dry weather. Therefore, the need for wet weather compliance in the estuary should be re-examined.

We hope these comments are helpful. If you have any questions, please call Ivan Karnezis at (916) 653-5417.

Sincerely,



G. SCOTT MCGOWEN
Chief Environmental Engineer